

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICKEAL BURGESS,

Petitioner,

- against -

BRUCE YELICH, Superintendent, Bare Hill  
Correctional Facility,

Respondent.

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A Memorandum and Order of the undersigned having been filed this day denying the petition for a writ of habeas corpus and directing the Clerk of the Court to enter judgment accordingly and close this case, it is

ORDERED, ADJUDGED AND DECREED that the petition is denied. A certificate of appealability shall not issue, as petitioner has not made a substantial showing of the denial of a constitutional right. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith, and therefore, *in forma pauperis* status is denied for purpose of an appeal.

Dated: Brooklyn, New York  
December 24, 2013

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge